IN THE HIGH COURT OF JUDICATURE AT BOMBAY
A.S
Writ Petition No.7l73 of 2005

Shyamrao D Maharnawar & ors ....Petitioners
vs
Jagannath S Rajmane and ors....Respondents

Mr S.S Patwardhan for petitioners

Mr.A.B.Avhad for respondent no.l

CORAM: S.U.KAMDAR J.

Dated 30.ll.2005

P.C:

l By consent of the parties the following order is passed:

a) The trial court is directed to frame additional issue of jurisdiction and limitation. It is because even without plea in the written statement, the issue of limitation can be raised and the trial court is bound to decide as it is the duty of the court to ascertain whether suit is in time or not.

b) As far as the jurisdiction is concerned the trial court itself has in its order stated that the said issue can be urged without amendment in the written statement. In that light of the matter the trial court

is directed to frame the aforesaid issue.

c) The learned counsel for the petitioner states that he will not press that issue of jurisdiction and limitation to be decided at the preliminary stage. The trial court to determine all issues together and decide in accordance with law. The matter to be heard by the trial court finally by framing the aforesaid additional issues.

. Petition is disposed of accordingly with no order as to costs.